THE HON'BLE MR JUSTICE S.ANANDA REDDY

Writ Petition No.16816 of 2005

01-08-2005

Between:

P.S.A.Khan s/o P.Chemen Khan, Muslim, aged about 37 years, Occ: Conductor, E.No.406648, r/o D.No.12-3-143, 5th Cross, Sainagar, Ananthapur, Ananthapur District.

... PETITONER

AND

1.The Depot Manager, APSRTC, Guntakal Depot, Guntakal, Ananthapur District and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE S.ANANDA REDDY

–

Writ Petition No.16816 of 2005

ORDER:

This writ petition is filed aggrieved by the action of the first respondent in imposing a major penalty on the petitioner without conducting a domestic enquiry.

According to the petitioner, he was appointed as a Conductor in the year 1991. While he was working as such, he was charge sheeted for certain alleged irregularities in the year 1998 and was called upon to submit his explanation. Thereafter, the first respondent without conducting any enquiry passed the impugned order dated 03.06.1998 imposing major penalty of withholding annual increment for a period of two years with cumulative effect. It is further started that though an appeal has been filed before the second respondent, the second respondent has not disposed of the appeal so far. Therefore, the petitioner is constrained to approach this Court by way of present writ petition.

At the time of hearing, it is represented by the learned counsel for the petitioner that the issue is covered by a number of judgments of this Court and therefore sought for appropriate orders.

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent-Corporation.

Admittedly, as the first respondent passed the impugned order imposing a major penalty without conducting any domestic enquiry, the impugned order is illegal and unsustainable in view of the judgments of this Court as well as the Supreme Court. However, as the petitioner has come up with the present writ petition after long

lapse of time, this Court is of the opinion that it would be appropriate to modify the impugned order to that of imposing a minor penalty instead of a major penalty.

Accordingly, the impugned order is modified to that of withholding annual increment for a period of two years without cumulative effect. It is made clear that the monetary benefits to which the petitioner is entitled to as a result of this order would be available to him only from the date of this order, but not for the period prior to the date of this order.

The writ petition is accordingly disposed of. No costs.

_____

01.08.2005

VGB